		Attorney Docket Number		SC12986ZP					
DECLARATION FOR DESIGN PATENT		First Named Inve	ntor	Bruce M. Green					
(37 CFR	_	COMPLETE IF KNOWN							
COMBINED WIT		Application Num	ber						
ATTOF	KNEY	Filing Date							
☐ Declaration Submitted With OR	Declaration Submitted after Initial	Group Art Unit							
Initial Filing	Filing (surcharge (37 CFR 1.16 (e)) required)	Examiner Name							
I hereby declare that:									
My residence, post office address, a	nd citizenship are as stated below	next to my name.							
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:									
MICROWAVE FIELD EFFECT TRANSISTOR WITH HIGH OPERATING VOLTAGE AND METHOD OF FORMATION									
the specification of which:									
is attached hereto									
	OR								
was filed on: (MM/DD/YYYY) as United States Application Number or PCT International									
Application Number	and was an	nended on (MM/DD	YYYY)	(if applicable).					
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.									
I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.									
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.									
Prior Foreign Application Number(s)			ority laimed	Certified Copy Attached?					
				☐ Yes ☐ No					
]	Yes No					
Additional foreign application	on numbers are listed on a sup	olemental priority data	sheet PT	O/SB/02B attached hereto.					

I	hereby	claim	the	benefit	under	Title	35,	United	States	Code	§	119(e)	of	any	United	States	provisional
ap	plicatio	n(s) li	sted	below:													

Provisional Application Serial No.:	
Provisional Application Filing Date:	

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

\boxtimes	no such application(s) filed
	such application(s) identified as follows:

Application No.	Filing Date (MM/DD/YYYYr)	Status (Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

I hereby appoint the attorney(s) or agent(s) associated with: 23125 to prosecute this application and transact all business in the patent and trademark office connected therewith.

Address all correspondence to: Motorola, Inc. Customer Number 23125

Attorney/Agent Name: Robert L. King Telephone: 512-996-6839

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DETAILED ACTION

Election/Restrictions

Applicant's election of Group I, claims 1-62, in the reply filed on July 13, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Maintained Rejection(s)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1:56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,482,998 to Kuechler et al. (hereinafter "Kuechler") in view of U.S. Patent 5,744,680 to Mulvaney, III et al. (hereinafter "Mulvaney").

The Kuechler reference discloses a process for catalytically converting oxygenate to olefins comprising: (a) contacting the oxygenate feed with a catalyst comprising a molecular sieve under effective conditions to produce a vaporous product comprising olefins, water and unreacted oxygenated feed; (b) quenching said vaporous product to produce an overhead light product fraction comprising light olefins, dimethyl ether, methane, CO, CO₂, ethane, propane, and other minor components such as water and unreacted oxygenated feed and a bottoms heavy product fraction comprising byproduct water, a portion of the unreacted oxygenate feed, a small portion of the oxygenated conversion by-products, and usually bulk of the quench medium; and (c) sending at least a portion of the heavy fraction which is combined with other water-containing streams (e.g., methanol/water stream) to a fractionator to separate water from other compounds such as unreacted oxygenate feed. See col. 11, line 23 to col. 12, line 56; Example 1; and the figure. The "other water-containing stream' in step c

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above may be obtained from one of the fractions within the oxygenate conversion or from the associated product recovery (col. 10, lines 2-7).

Kuechler fails to disclose the amount of oxygenate contained in the watercontaining stream added to the fractionator. Kuechler, also, fails to disclose various separation steps to recover olefins.

In step c process above, Kuechler explicitly discloses that if other streams having compositions similar to or compatible with the heavy fraction exist within the oxygenate conversion and the associated product recovery process, such other streams are combined with the heavy fraction first and the combined stream is sent to the fractionator (see col. 10, lines 2-7). Since the oxygenate conversion reaction of Kuechler is same as the claimed process, same effluent would be produced and the quenching/condensing step would produce similar fractions. Thus, it is expected that the amount of oxygenate contained in the water-containing stream added to the fractionator in Kuechler process would at least overlap with the claimed level of at least 20 wt%.

The Mulvaney reference discloses a process for converting oxygenate feedstream to light olefins in the presence of a molecular sieve catalyst. The effluent from the oxygenate conversion reactor is passed through various separations steps to recover olefins, said separation steps including water removal, an acid gas removal, methanol removal, and further separation to recover pure ethylene and pure propylene. See col. 8, line 25 to col. 9, line 30 and the figure.